

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OLLNOVA TECHNOLOGIES LTD.,

Plaintiff,

v.

ECOBEE TECHNOLOGIES ULC d/b/a
ECOBEE,

Defendant.

Case No. 2:22-cv-00072-JRG

The Honorable J. Rodney Gilstrap

**DEFENDANT’S OBJECTIONS TO PLAINTIFF’S COUNTER DEPOSITION
DESIGNATIONS**

Pursuant to the Court’s Fourth Amended Docket Control Order entered in this case (Dkt. 119), Defendant ecobee Technologies ULC d/b/a ecobee (“ecobee”) hereby serves its objections to Plaintiff Ollnova Technologies Ltd.’s (“Ollnova’s”) counter deposition designations.

In objecting to Ollnova’s counter deposition designations, ecobee is using the abbreviations set forth below. Furthermore, in addition to the specific objections, ecobee objects to the counter deposition designation(s) for any individual (a) not identified as being presented by deposition designation on Ollnova’s witness list, and/or (b) not established to be unavailable pursuant to F.R.C.P. 32.

Abbreviation	Ecobee’s Objections
R	Lacks relevance (FRE 401/402)
403	Unduly prejudicial/confusion/misleading/undue delay/waste of time/cumulative/inflammatory (FRE 403)
F	Lacks foundation (FRE 602)
O	Improper Opinion (FRE 701/702)
H	Hearsay (FRE802)

A	Authentication (FRE 901)
404(a)	Rule 404(a) (character evidence)
1006	Rule 1006 (summary of voluminous documents)
OR	Original Required (FRE 1002)
LP	Limited Purpose Only (FRE 105)
MIL	Subject to Motion in Limine
P	Privilege
N	Nonresponsive
I	Improper/Incomplete designations
DO	Subject to objection to form of deposition question
30(b)(6)	Testimony by 30(b)(6) designee outside scope of noticed topic
ATTY	Attorney Objections not removed

Objection Codes	Ollnova's Objection
1.	Improper Attorney Commentary
2.	Foundation, Assumes Facts Not in Evidence
3.	Asked and Answered
4.	Argumentative (See FRCP 611(a))
5.	Bolstering Credibility of Witness
6.	Calls for Speculation
7.	Compound Question
8.	Compromise & Offer to Compromise (FRE 408)
9.	Inequitable Conduct/Laches or Equitable Estoppel for Court Only
10.	Testimony is Cumulative
11.	Testimony Is Harassing or Unduly Embarrassing to Witness (FRE 611(f))
12.	Hearsay (Rule 801, Rule 802)
13.	Improper Attorney Commentary and/or Form Objections or Other Objections/Instructions on the Record
14.	Unwarranted Suggestive, Argumentative or Impertinent Language (FRCP 103(c)); 404-405
15.	Incomplete Designation (Rule 106)
16.	Incomplete Answer Or Question
17.	Improper Opinion Testimony By Expert Witness (FRE 702)
18.	Leading Question
19.	Legal Conclusion
20.	Mischaracterizes Prior Testimony
21.	Testimony Concerning Document Lacking Authentication (FRE 901)
22.	Not Best Evidence (FRE 1002)

23.	Nonresponsive
24.	Outside The Scope Of The 30(B)(6) Topics
25.	Lacks Personal Knowledge
26.	Overly Prejudicial (Rule 403)
27.	Attorney Client Privilege And/Or Work Product Immunity
28.	Relevance (Rule 401, Rule 402)
29.	Vagueness, Ambiguous And Misleading
30.	Violates Motions In Limine
31.	Withdrawn Question
32.	Does Not Exist/Cannot Identify
33.	Improper Opinion Testimony By Lay Witness (FRE 701)
34.	Overbroad Designations/Violates Edtx Local Rules/Court's Orders
35.	Calls For Expert Testimony From A Non-Expert Witness
36.	Counter Designation Does Not Fairly Complete Original Designation
37.	Calls For Expert Opinion By Witness Who Has Not Provided An Expert Report In This Case (FRE 701/FRCP 26)

Deponent	Date	ecobee Designation	Ollnova Objections	Ollnova Counter Designations	ecobee Objections
Padian, Gerald	4/17/23	7:12-17	34		
Padian, Gerald	4/17/23	8:5-7	34		
Padian, Gerald	4/17/23	12:9-15	34		
Padian, Gerald	4/17/23	19:3-10	34		
Padian, Gerald	4/17/23	26:11-21	15, 24, 34, 29	25:18-26:1; 26:5-10	
Padian, Gerald	4/17/23	30:16-31:17	34		
Padian, Gerald	4/17/23	31:19-32:6	34		
Padian, Gerald	4/17/23	35:12-18	34		
Padian, Gerald	4/17/23	36:1-4	34		
Padian, Gerald	4/17/23	36:17-19	34, 3, 26, 30		
Padian, Gerald	4/17/23	36:21-37:6	34		
Padian, Gerald	4/17/23	37:8-12	34, 35		
Padian, Gerald	4/17/23	37:13-15	34		
Padian, Gerald	4/17/23	38:19-39:4	34	39:11-22	R, 403, F, I
Padian, Gerald	4/17/23	39:5-10	34	39:11-22	R, 403, F, I
Padian, Gerald	4/17/23	40:17-20	34, 15	40:21-41:6	R, 403, F
Padian, Gerald	4/17/23	41:7-12	34, 15	40:21-41:6	R, 403, F
Padian, Gerald	4/17/23	41:13-14	34	40:21-41:6	R, 403, F
Padian, Gerald	4/17/23	41:16	34	40:21-41:6	R, 403, F
Padian, Gerald	4/17/23	41:18-42:2	34	40:21-41:6	R, 403, F
Padian, Gerald	4/17/23	54:4-21	34, 26, 28, 30		
Padian, Gerald	4/17/23	63:15-64:9	34	65:2-16	R, 403, F
Padian, Gerald	4/17/23	66:2-5	34, 15	65:2-16	R, 403, F
Padian, Gerald	4/17/23	66:12-15	34, 15	65:2-16	R, 403, F
Padian, Gerald	4/17/23	77:14-16	34		
Padian, Gerald	4/17/23	84:7-22	34		

Deponent	Date	ecobee Designation	Ollnova Objections	Ollnova Counter Designations	ecobee Objections
Padian, Gerald	4/17/23	85:1-10	34		
Padian, Gerald	4/17/23	86:4-18	34		
Padian, Gerald	4/17/23	88:13-21	34		
Padian, Gerald	4/17/23	89:5-17	34		
Padian, Gerald	4/17/23	90:9-92:1	34		
Padian, Gerald	4/17/23	92:2-94:12	34		
Padian, Gerald	4/17/23	95:16-21	34		
Padian, Gerald	4/17/23	96:16-97:1	34		
Padian, Gerald	4/17/23	98:17-99:1	34, 29	98:7-11; 98:14-16	R, 403
Padian, Gerald	4/17/23	99:3-17	34, 29	98:7-11; 98:14-16	R, 403
Padian, Gerald	4/17/23	99:18-21	34	98:7-11; 98:14-16	R, 403
Padian, Gerald	4/17/23	99:22-100:22	34	98:7-11; 98:14-16	R, 403
Padian, Gerald	4/17/23	102:1-6	34		
Padian, Gerald	4/17/23	104:19-22	34, 28, 25		
Padian, Gerald	4/17/23	105:1-4	34, 28, 25, 24		
Padian, Gerald	4/17/23	105:6	34, 28, 25, 24		
Padian, Gerald	4/17/23	105:8-10	34, 28, 25, 24		
Padian, Gerald	4/17/23	105:12-13	34, 28, 25, 24		
Padian, Gerald	4/17/23	105:21-106:1	34, 28, 25, 24		
Padian, Gerald	4/17/23	106:3	34, 28, 25, 24		
Padian, Gerald	4/17/23	110:15-20	34		
Padian, Gerald	4/17/23	113:22-114:10	34, 25	112:18-113:7	R, 403, DO
Padian, Gerald	4/17/23	114:11-16	34	112:18-113:7	R, 403, DO
Padian, Gerald	4/17/23	115:1-4	34, 26, 30	112:18-113:7	R, 403, DO
Padian, Gerald	4/17/23	115:6	34, 26, 30	112:18-113:7	R, 403, DO
Padian, Gerald	4/17/23	119:6-15	34		
Padian, Gerald	4/17/23	119:16-120:1	34		
Padian, Gerald	4/17/23	123:18-124:1	34, 24		

Deponent	Date	ecobee Designation	Ollnova Objections	Ollnova Counter Designations	ecobee Objections
Padian, Gerald	4/17/23	126:12-17	34		
Padian, Gerald	4/17/23	129:18-130:19	34, 30		
Padian, Gerald	4/17/23	131:4-11	34		
Padian, Gerald	4/17/23	131:22-132:8	34		
Padian, Gerald	4/17/23	137:9-138:18	34, 30	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	138:19-140:4	34	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	140:5-20	34	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	140:21-141:2	34	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	141:3-9	34	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	141:10-17	34, 30	135:1-136:20	R, H, 403, 408, I, 30(b)(6), MIL
Padian, Gerald	4/17/23	152:8-21	34		
Padian, Gerald	4/17/23	159:5-9	34		
Padian, Gerald	4/17/23	159:10-14	34		
Padian, Gerald	4/17/23	159:20-160:8	34, 26, 30, 15		
Padian, Gerald	4/17/23	160:9-18	34, 26, 30, 15		
Padian, Gerald	4/17/23	161:22-162:9	34		
Padian, Gerald	4/17/23	162:17-20	34		
Padian, Gerald	4/17/23	162:21-163:2	34		
Padian, Gerald	4/17/23	163:7-13	34		
Padian, Gerald	4/17/23	163:20-164:15	34		
Padian, Gerald	4/17/23	165:3-6	34, 30		
Padian, Gerald	4/17/23	167:4-16	34		
Padian, Gerald	4/17/23	168:14-169:2	34		
Padian, Gerald	4/17/23	171:13-21	34		

Deponent	Date	ecobee Designation	Ollnova Objections	Ollnova Counter Designations	ecobee Objections
Padian, Gerald	4/17/23	180:22-181:12	34	172:19-20; 173:2-10; 173:14-16; 175:1-177:12; 178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	195:9-22	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	196:1-7	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	196:11-13	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	196:14-18	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	196:18-197:5	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	198:6-9	34, 29, 26, 15	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-	R, 403, I, MIL

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				193:16; 193:22-194:2; 194:6-13; 195:1	
Padian, Gerald	4/17/23	198:11-17	34, 29, 26, 15	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	198:20-22	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	199:1-5	34, 29, 26, 15	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	199:8-10	34, 29, 26, 15	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	199:12-201:20	34, 30	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	201:21-202:2	34, 29	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	202:8-22	34, 30	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-	R, 403, I, MIL

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				193:16; 193:22-194:2; 194:6-13; 195:1	
Padian, Gerald	4/17/23	203:1-18	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1	R, 403, I, MIL
Padian, Gerald	4/17/23	204:15-205:1	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1; 204:1-14; 205:2-10	R, 403, I, MIL
Padian, Gerald	4/17/23	206:3-207:2	34, 29, 26	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1; 204:1-14; 205:2-10	R, 403, I, MIL
Padian, Gerald	4/17/23	207:13-18	34	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1; 204:1-14; 205:2-10; 207:19-22	R, 403, I, MIL
Padian, Gerald	4/17/23	208:13-18	34, 15	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-193:16; 193:22-194:2; 194:6-13; 195:1; 204:1-14; 205:2-10; 207:19-22	R, 403, I, MIL
Padian, Gerald	4/17/23	209:3-19	34, 30, 26	178:5-179:3; 184:15-185:22; 189-19-190:15; 191:5-192:7; 192:9-	R, 403, I, MIL

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				193:16; 193:22-194:2; 194:6-13; 195:1; 204:1-14; 205:2-10; 207:19-22	
Padian, Gerald	4/17/23	210:13-211:5	34		
Padian, Gerald	4/17/23	211:19-212:10	34	212:21-213:12	R, 403, I
Padian, Gerald	4/17/23	213:13-20	34, 15	212:21-213:12	R, 403, I
Padian, Gerald	4/17/23	214:6-17	34	212:21-213:12	R, 403, I
Padian, Gerald	4/17/23	214:19-215:11	34	212:21-213:12	R, 403, I
Padian, Gerald	4/17/23	217:2-21	34		
Padian, Gerald	4/17/23	222:18-20	34, 15, 26, 8	222:21; 223:1-18	R, H, 403, 408, I, MIL
Padian, Gerald	4/17/23	231:7-8	34, 24		
Padian, Gerald	4/17/23	231:10	34, 24		
Padian, Gerald	4/17/23	233:19-21	34, 24, 25		
Padian, Gerald	4/17/23	234:1-2	34, 24, 25		
Padian, Gerald	4/17/23	234:4-7	34, 24		
Padian, Gerald	4/17/23	234:22-235:3	34, 24, 25		
Padian, Gerald	4/17/23	235:5-6	34, 24, 25		

Dated: July 31, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 31st day of July, 2023.

By: /s/ Eric T. Harmon